

IV. REMARKS

Claims 17, 18, 20-27, 29, and 30 are pending in this application. Claims 1-16 have been cancelled previously. Claims 17, 18, 20-27, 29, and 30 have been amended, and no claims have been cancelled herein. Applicant does not concede in this application that any of the aforementioned claims are not patentable, as the present claim amendments are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 17, 18, 20-27, 29, and 30 are deemed allowable over the prior art of record. At the outset, Applicant appreciates these indications of allowable subject matter.

Claims 17, 18, 20-27, 29, and 30 are rejected in the Office Action under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

With regard to claim 17, the Office has interpreted a recordable medium to include “‘any known type of data storage system and/or transmission media’, which could include a carrier wave that encodes a data signal” (Office Action, p.1), and as a result, indicated that this claim is not statutory. Applicant does not agree with such an interpretation in light of paragraphs 0010, 0013, 0024, 0026 (as amended herein, and discussed below) and 0027, among others, of the present patent application, which specifically note that the program product is a computer program product which when loaded in a computer system performs the functions recited in the claimed invention, specifically, “simulating transients conditions in a circuit using a piecewise constant mode.” Nevertheless, in order to expedite the prosecution of the present application,

Applicant has amended claim 17 and its depending claims 18 and 20-24 to have the program product take the form of a computer-readable medium. Support for such a change is extracted from 0010, 0013, 0024, 0026 (as amended herein, and discussed below) and 0027, among others.

Although claims 17, 18, and 20-24 now recite a computer-readable medium and not a program product, these claims still classify in the article of manufacture category of invention. Because claim 17 recites features similar to claim 25 as amended herein, such as evaluating an error criteria to determine a maximum allowable change in one of a current and a voltage, wherein the error criteria is based on an approximate relative timing error; simulating the transient conditions by implementing an adaptive step in the piecewise constant model according to the maximum allowable change; and analyzing the circuit based on a result of the simulation, Applicant submits that these features are independent physical acts that manipulate data representing physical objects to achieve a practical application and are not abstract. Accordingly, Applicant submits that claim 17 and depending claims 18 and 20-24 are not abstract.

Further, In the Office Action, claims 17, 18, and 20-24 are determined to allegedly not meet the criteria for a statutory process. In so rejecting these claims, the Office cites to the specification at [0026]. Applicant has amended this paragraph herein, to wit, Applicant has deleted the passage noted by the Office, which recites, “‘any known type of data storage system and/or transmission media,’ which could include a carrier wave that encodes a data signal.” (Office Action, p. 1 (quoting the specification at [0026]).)

In light of the above, Applicant believes that all grounds of the §101 rejection have been obviated. Therefore, Applicant requests that the Examiner reconsider and remove the §101 rejection.

In the Office Action, claims 25-27, 29, and 30 are determined to allegedly be computer executable software code, or a program per se. Applicant disagrees, however, by this response, Applicant has amended each of claims 25-27, 29, and 30 to recite the additional limitation of “a computer-implemented system...” Further, Applicant has amended claim 25 to incorporate the additional structural limitations of, “at least one processing unit; a memory operably associated with the at least one processing unit; and a simulating system storable in memory and executable by the at least one processing unit, the simulating system comprising...,” limitations which are incorporated by reference into dependent claims 26, 27, 29, and 30. Accordingly, Applicant submits that claims 25-27, 29, and 30 are not merely “computer executable software code, or a program per se,” and respectfully request withdrawal of the rejection under § 101 to the aforementioned claims.

V. CONCLUSION

Applicant respectfully submits that the Application as presented is in condition for allowance. Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

/Spencer K. Warnick/
Spencer K. Warnick
Reg. No.: 40,398

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(JMT)

Hoffman, Warnick and D'Alessandro, LLC
75 State Street, 14th Floor
Albany, New York 12207
Phone: (518) 449-0044
Fax: (518) 449-0047